

Notice of Allowability

Application No.

10/017,669

Examiner

Hoang-Vu A. Nguyen-Ba

Applicant(s)

WU ET AL.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 12/9/04.
2. ☒ The allowed claim(s) is/are 2,3,5-7,9,11-15,17 and 19.
3. ☒ The drawings filed on 09 December 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Hoang-Vu A. Nguyen-Ba

**ANTONY NGUYEN-BA
PRIMARY EXAMINER**

**EXAMINER'S AMENDMENT and
EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE**

1. This action is responsive to Amendment filed December 9, 2004.

Response to Amendments

2. Per Applicant's request, claims 1, 4, 8, 10, 16 and 18 have been canceled; claims 2-3, 5-7, 9, 11-14 and 19 have been amended. Claims 2-3, 5-7, 9, 11-15, 17 and 19 remain pending.
3. The objection to the drawings is withdrawn:
 - i. in view of Applicants' amendments to Figure 2 to label the identified item with a correct reference number; and
 - ii. in view of Applicants' argument that Figure 1 is not prior art because aspects of the invention are incorporated therein.
4. The objection to the abstract of the disclosure is withdrawn in view of Applicants' amendment to the abstract to correct an identified minor informality.
5. The objection to the identified claims in the previous Office action is withdrawn:
 - i. in view of Applicants' cancellation of claims 1 and 4; and
 - ii. in view of Applicants' amendment to claim 14 to remove the identified minor informality.
6. The rejection under 35 U.S.C. § 112, second paragraph of the identified claims as being indefinite in the previous Office action is withdrawn:
 - i. in view of Applicants' cancellation of claims 1 and 8; and
 - ii. after reconsideration of claims 7, 13 and 19 in light of the specification.

Response to Arguments

7. Applicant's arguments, see Remarks/Arguments, pp. 8-9, filed December 9, 2004, with respect to amended claims 2-3, 7, 9-10, 13-16 and 19 have been fully considered and are persuasive.

i. The rejection of these amended claims under 35 U.S.C. § 102 as being anticipated by Lunetta's rePLay is withdrawn.

ii. The rejection of amended claims 5, 6, 11, 12 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Lunetta in view of Patel is withdrawn.

Examiner's Amendment

8. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in telephone interviews with William W. Schaal, Reg. No. 39,018 on May 17 (?), 2005 and June 1, 2005.

The application has been amended as follows:

Claim 5:

i. line 1, after "A system", insert – comprising: –
ii. line 3, after "code regions to", delete "improves" and insert – improve – (note that Applicant authorized this examiner's amendment because Applicant's strike-through of the letter "s" at the end of the word "improves" was not clearly legible).

Claim 11: line 1, delete "A method" and insert – A computer system implemented method --.

Examiner's Statement of Reasons for Allowance

9. Claims 2-3, 5-7, 9, 11-15, 17 and 19 are allowed.
10. The following is an examiner's statement of reasons for allowance:

The prior art of record, i.e., Lunetta's rePLay and Patel, taken individually or in combination, fail to teach or suggest trimming blocks of codes near a head block (as required by independent claims 5 and 11) and near a tail block (as required by independent claim 14) of a region formed by a selected seed block that has been duplicated and grown in order to form a trimmed region that has improved scheduling cycles.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A. Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday-Friday, 7:15 – 17:45.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Tuan Dam can be reached at (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, reading "Anthony Nguyen-Ba".

**ANTONY NGUYEN-BA
PRIMARY EXAMINER**

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June 1, 2005